IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Moo Ryong Jeong		
Assignee:	NTT DoCoMo Inc.		
Title:	System and Method for Channel Scanning in Wireless Networks		
Serial No.:	10/733,927	Filing Date:	December 10, 2003
Examiner:	K. Iqbal	Group Art Unit:	2617
Docket No.:	M-15392 US	Conf. No.:	8607

San Jose, California
January 24, 2008

Via EFS-Web
Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

REASONS FOR REQUESTING A PRE-APPEAL BRIEF REVIEW

Dear Sir:

The following reasons support Applicants' Request for Pre-Appeal Brief Review filed in response to the Final Office Action of October 3, 2007 ("Final Office Action"). Claims 1-26 are appealed.

Claims 1-39 are pending. Claims 27-39 are withdrawn pursuant to the Examiner's previous restriction requirement.

In the Final Office Action, the Examiner repeated his previous rejection of Claims 1-26 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Application Publication 2004/203,698 ("Comp"), raised in the Office Action of March 21, 2007 ("Previous Office Action"). In response to the Previous Office Action, Applicants submitted on August 21, 2007 an Amendment in which Applicants pointed out that independent Claims 1, 8, and 17 and 22 each recite selecting a scanning method based on data (e.g., a pre-alert field or a lifetime field) that indicates a possible regulatory domain change:

> 1. A method of enabling channel scanning in a wireless station, said method comprising:

receiving from an access point data provided to indicate a possibility of a regulatory domain change; and,

after a connection with the access point is terminated, selecting a channel scanning method based upon said data.

* * *

8. A method of enabling channel scanning in a wireless station, said method comprising:

establishing communication between said wireless station and an access point;

receiving information in a lifetime field provided to indicate a period of time during which regulatory domain information could be used after the communication between said wireless station and said access point has been lost; and

determining whether an elapsed period of time after the communication between said wireless station and said access point has been lost is greater than the period of time in said lifetime field.

* * *

17. A wireless station adapted to scan for channels in a wireless communication network, said wireless station comprising:

a receiver for receiving a data block, wherein said data block comprises a regulatory domain change pre-alert field;

a controller coupled to said receiver, said controller selecting a channel scanning method based upon data in said regulatory domain change pre-alert field; and

a transmitter coupled to said controller.

* * *

22. (Previously presented) A wireless station adapted to scan for channels in a wireless communication network, said wireless station comprising:

a receiver for receiving a data block, wherein

said data block comprises a lifetime field related to the extent of a regulatory domain;

a controller coupled to said receiver, said controller selecting a channel scanning method based upon data in said lifetime field; and

a transmitter coupled to said controller.

(emphasis added)

Applicants then pointed out to the Examiner that, contrary to the Examiner's contentions, Comp neither discloses nor suggests providing from an access point data indicative of a regulatory domain change. Applicants referred to the Examiner to Applicants' Specification, on page 1, at paragraph [03], that the Specification uses the term "regulatory domain" to refer to a domain governed by regulations established by a regulatory entity, such as a government of a nation:

> Regulatory domains, such as individual nations, independently determine the frequency band and the maximum transmission power allowed for wireless communication systems. The conditions established by each regulatory domain may vary significantly even for the same wireless communication system. For example, while the 4.9-5.0 gigahertz (GHz) band is allowed for IEEE802.11a wireless local area network (WLAN) in Japan, the 4.94-4.99 GHz band is reserved for public safety band in the United States, and thus cannot be used for IEEE802.11a. Similarly, the 5.470-5.725 GHz band, which is planned to be used for IEEE802.11a WLAN in Europe, overlaps with a military band in the United States.

Under this understanding of the term "regulatory domain," it is evident that Comp provides no teachings regarding regulatory domains. Applicants therefore further pointed out that, in the paragraphs 11-14, 21-22 and 25 upon which the Examiner relied for his rejection, Comp merely discloses communicating to a mobile unit a possibility of a connection loss based on the signal strength of the mobile unit received at the access point. The possibility of connection loss provides no information to the mobile unit concerning a possible change in regulation domain. For example, for a user operating entirely within a country, a possibility in a connection loss does not indicate any possibility of a regulatory domain change, as no change in scanning method to discover the next access point is necessary. However, when crossing a border, a regulatory domain change occurs even if the mobile unit can maintain

connection with the access point in the previous regulatory domain. In that instance, a scanning method different from the scanning methods used in the previous domain may be required when a connection loss occurs. Therefore, Applicants submitted that Comp's teachings are irrelevant to regulatory domains.

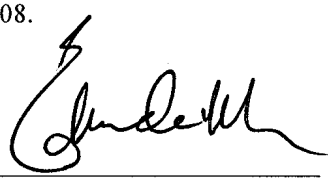
In response to Applicants' arguments, the Examiner states in the Final Office Action:

> Applicants argument was that "However, Comp provides no teachings regarding regulatory domains". In paragraphs 0021-0022, Comp teaches that when the signal strength of a connection between wireless access point and mobile device falls within a first predetermined range it notifies this falling information to a mobile user. Comp further teaches that the system initiates a search for an alternate access point capable of supporting a network connection for the user device. It clearly means that the position of user device is now changed from the access point to alternate access point i.e., regulatory domain change.

Thus, the Examiner continues to ignore the meaning of the term "regulatory domain" (i.e., individual nations or regulatory/administrative entities) recited in the claims and fails to appreciate that a falling signal strength is irrelevant to a change in regulatory domain, which occurs when a user crosses a national border or regulatory/administrative boundary. Accordingly, Applicants submit that the Examiner's rejection of Claims 1-26 is erroneous and should be reversed.

If the Examiner or the Board of Appeal and Interferences has any question regarding the above, the Examiner or the Board is respectfully requested to telephone the undersigned Attorney for Applicant at (408)-392-9250.

Certificate of Transmission: I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (USPTO) via the USPTO's electronic filing system on January 24, 2008.



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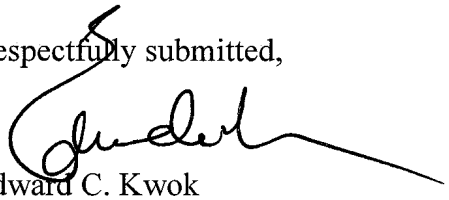
Attorney for Applicant(s) Date of Signature

Respectfully submitted,



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